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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,024	08/11/2000	Andreas Oman	PM 272745 110038501	9224
909	7590	11/20/2003	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			GEREZGIHER, YEMANE M	
			ART UNIT	PAPER NUMBER
			2142	8

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/636,024

Applicant(s)

OMAN, ANDREAS

Examiner

Yemane M Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1-3,8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/11/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This application has been examined. Claims 1-10 are pending.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed for example, class of assurance ... denying attempts to lease additional customer address, forced redirection for network login procedure, in real time abuse and anti-spoof protection, ...in real time traffic analysis to detect unauthorized servers run by a customer and other steps of the invention must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

3. Claims 1, 2, 3, 8 and 10 are objected to because of the following informalities: The inventive entity recites "(M2, 22 24, 26, 28, 30)" (claim 1, claim line 3), "(30)", (claim 1, claim line 4), "(14)" (claim 1, claim line 8), "(30)", (claim 1, claim line 9), "(28)", (claim 1, claim line 10), "(30)", (claim 2, claim line 5), "(14)", (claim 3, line 2), claim 3, claim line 4), "(24)", (claim 8, claim line 2) and "(10)", (claim 10, claim line 4) should be removed from the claims described.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites, "abuse and anti-spoof protection by adjusting boarder gateway control routing tables in real time in respect of said protocol for auto-configuration ...", (claim 1, line 15-17), and claim 4 recites, "... it comprises real time traffic analyzing detecting unauthorized servers run by a customer and software which provides network address translation" (claim4, lines 27-29), but since the specification does not set forth any steps involved in the system to put the claimed invention into practice it is unclear what system the applicant is intending to encompass by making use of a "abuse and anti-spoof protection ... in real time..."(as recited in claim 1) and "... real time traffic analyzing detecting unauthorized servers run by a customer and software which provides network address translation" (as recited in claim 4) without any specific details describing the invention in a clear and concise manner where one skill in the art may

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not be able to implement or make use of the invention based on the specification provided.

Patent law requires that applicant must disclose his invention in such detail that it will not require undue experimentation for one skill in the art. Applicant did not comply this requirement of the first paragraph. The examiner contends that it would require undue experimentation for one of ordinary skill in the remote data accessing/processing art to make and use the claimed invention for the reasons set forth hereinabove. Applicant is reminded that no new matter is allowed in the amendment to the specifications under 35 U.S.C. 132 and 37 CFR 1.118(a).

Claims 1-10 are rejected.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the word "means" is preceded by the reference(s) "(M2, 22 24, 26, 28, 30)" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

The inventive entity recites, "... at least one of the following features ..." (claim 1, claim line 2-3. It is unclear what the applicant's intention is as to which features the applicant meant to cover.

However, for examination purposes, the examiner will broadly interpret "... at least one of the following features ...", to read at least one feature of the features where the features include "port control ...", "class of service assurance..." forced redirection for network login procedure..." or "abuse and anti-spoof protection ...".

Claims 1-10 are rejected.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Short et al (U.S. Patent Number 6,636,894) hereinafter referred to as Short.

As per claims 1 and 7, Short disclosed a system and method for redirecting users with a valued computer service access to a network services by automatically redirecting a user to a login portal in order to access services from a destination network based on a user's profile stored in a user profile database. See col. 3, lines 41-67,

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Fig.1, col. 7, lines 54-67 – col. 8, lines 1-19 and col. 8, lines 43-67 – col. 9, lines 1-4.

Short disclosed that a *“user may be forwarded from the login page and returned to a portal page or directed to a destination address which can be an Internet destination address. Redirecting the user to a login page can include redirecting a browser located on the user's computer to the login page. Furthermore, redirecting the browser located on the user's computer can include receiving a Hyper-Text Transfer Protocol (HTTP) request for the destination address and responding with an HTTP response corresponding to the login page”*. See col. 4, lines 22-31.0

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lim et al (U.S. Patent Number 5,884,024) hereinafter referred to as Lim.

As per claim 1, Lim disclosed a DHCP (Dynamic Host Configuration Protocol) using a “trusted identifier” and preventing a client network from accessing IP addresses leases of other client networks in the network by counting the IP addresses leases assigned preventing each client from attempting to lease additional IP address beyond a predetermined number of IP addresses. See Abstract and col. 2, lines 40-67 – col.3, lines 1-55).

***Claim Rejections - 35 USC § 103***

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al (U.S. Patent Number 5,884,024) as applied to claim 1 above in view of Ristau et al (U.S. Patent Number 6,374,307) hereinafter referred to as Ristau.

With respect to the claim rejection applied above, Lim substantially disclosed a secure DHCP server and its functionality in assigning IP addresses to client networks. However, Lim did not teach traffic mediation which enables the system to aggregate Cisco ® NetFlow information.

Ristau disclosed a billing system using NetFlow ™ technology of Cisco ® systems where the NetFlow ™ was used for identifying IP packet flows. See col. 5 lines 14-21.

An artisan would have been motivated to integrate such a technology (NetFlow ™), because NetFlow ™ would help to perform efficient statistics and to accelerate security filtering. See col. 5 lines 14-21.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Ristau related to the use of using NetFlow ™ technology of Cisco ® systems and have modified Lim related to secured Dynamic Host Configuration Protocol, because such modification would benefit for ISPs (Internet



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Service Providers) to bill clients according to the customers demand. See col. 5 lines 14-21.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al (U.S. Patent Number 5,884,024) as applied above in view of Mohammed (U.S. Patent Number 5,894,479) and further in view of what would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made.

Lim disclosed a DHCP (Dynamic Host Configuration Protocol) using a "trusted identifier" and preventing a client network from accessing IP addresses leases of other client networks in the network by counting the IP addresses leases assigned preventing each client from attempting to lease additional IP address beyond a predetermined number of IP addresses. See Abstract and col. 2, lines 40-67 – col.3, lines 1-55). However, Lim did not teach triggering a daemon when another daemon fails.

Mohammed disclosed *"upon power-up and after establishing a connection with the headed server via the POTS server, will send a "start-up" packet to a special port on the headend server on which a server daemon is executing. The server daemon will take the information for the IP-MAC address translation from this start-up packet and insert a manual entry in the ARP table of the headend server. When the client wishes to end the session, the client will send a "shut-down" packet to the server daemon again using the special port."* See col. 4 lines 30-39. However, Mohammed did not expressly teach triggering another daemon when one daemon fails.

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Examiner takes Official Notice (see MPEP § 2144.03) that "triggering another daemon when one daemon fails or triggering server application that runs in the background when one other server application fails" in a computer networking environment was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Mohammed related to daemon running as server in IP addressing mechanism and by maintaining a proxy daemon which may be triggered when the daemon fails and have modified Lim related to address resolution using DHCP because daemon could be used as a backup process running as a support for a DHCP server.

14. Claims 1, 3, 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woundy (U.S. Patent Number 6,009,103) in view of Reynolds et al (U.S. Patent Number 6,138,161) hereinafter referred to as Reynolds.

Woundy disclosed a method and system for automatic allocation of resources in a broadband network allocating network resources to clients connected in the broadband network using a DHCP (Dynamic Host Configuration Protocol) server assigning IP addresses with a support of ordinary database (functioning as "a membership policy server) by storing client's network address and feeding the DHCP server with client information factors from the database and accordingly assigning IP addresses activating and deactivating IP address access based on three methods (automatic IP address allocation, dynamic IP allocation and static IP allocation) (as recited in claims 5 and 6), where the DHCP server could add new MAC addresses registration to the database using an "unregistered" service class. Woundy indicated DHCP server performing load balancing (claim 3) by limiting the use of network resources in order for the clients to have an opportunity to access to the network. However, Woundy did not explicitly teach connecting each network customer network to a unique name of a port per customer in the network.

Reynolds disclosed a method and system for retaining a unique reserve command relationship between nodes in a fiber channel network (broadband network) by connecting a unique node name and a unique port name with a network address of

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client network and eliminating communication failures by port snooping that may occur due to a network port link state change (as recited in claim 9) and uniquely identifying with whom the nodes were communicating (claim 10). See Abstract, col. 2, lines 43-61, col. 3, lines 5-34, col. 5 lines 45-62, col. 7 lines 5-57 and col.8 lines 55-67 – col. 9 lines 1-6.

An artisan at the time the applicant's invention was made aware of the teachings of Woundy related to IP address management would have been motivated to look for teachings that may have allowed other alternative ways of identifying a client network address connected to a network by connecting the client address with a unique port/node name because a "port name uniquely identifies the desired node on the given ode" (col. 3 lines 1-4), and to uniquely identify with whom the nodes are communicating (claim 10) in the fiber channel network since the node and the port name in a broadband network are certain to be unique. See col. 5 lines 45-62.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Reynolds related to connecting client's address with a unique port name in a broadband network and have modified Woundy related to IP address management using a DHCP supported by a database providing the DHCP server with client's network address because the node name and a port name in a broadband network are unique even if client's network address changes.

Claims 1, 3, 5, 6, 9 and 10 are rejected.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- a. Reynolds, Robert A. et al (U.S. Patent Number 6,643,693) Entitled: Method and system for managing I/O transmissions in a fiber channel network after a break in communication.
- b. Polizzi, Kathleen Riddell et al. (U.S. Patent Number 6,643,661) Entitled Method and apparatus for implementing search and channel features in an enterprise-wide computer system. Polizzi *disclosed a user login portal system.*
- c. Gunlock, Richard D (U.S. Patent Number 6,606,630) Entitled: Data structure and method for tracking network topology in a fiber channel port driver.
- d. Mahler, Jerry J. et al (U.S Patent Number 6,381,638) Entitled: System and method for options based address reuse.
- e. DELLEY, F et al (WO 200131886 A) Entitled: System and method for redirecting users attempting to access a network site.
- f. Ohno, Shuji et al (U.S. Patent Number 6,219,715) Entitled: Automatic address distributing system. Ohno *disclosed a mechanism for preventing a DHCP server from assigning duplicate IP address to the same client terminal.*

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- g. Bhatia, Rajiv et al (U.S. Patent Number 6,1187,68) Entitled: Apparatus and methods for use therein for an ISDN LAN modem utilizing browser-based configuration with adaptation of network parameters. *Bhatia disclosed DHCP in IP addressing mechanism.*

**Non-Patent Document**

- h. Cisco Systems, Inc., "New Cisco IOS NetFlow Software and Utilities Boost Service Provider Revenues and Service Management Capabilities", Press Release, Jul. 1, 1997.

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Yemane Gerezgiher whose telephone number is 703-305-4874. The examiner can normally be reached on Monday- Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, David A. Wiley, can be reached at 703-308-5221.

Yemane Gerezgiher  
AU 2142

November 13, 2003

MARC D. THOMPSON  
*MARC THOMPSON*  
PRIMARY EXAMINER